

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

RICHARD JOE FITTEN)
)
Petitioner,)
v.) No. 1:08-cv-205/1:08-cv-234
) Chief Judge *Curtis L. Collier*
HAMILTON COUNTY CRIMINAL COURT,)
)
Respondent.)

MEMORANDUM

The Court is in receipt of a *pro se* habeas petition filed by Richard Joe Fitten (“Fitten”). The Court previously consolidated Civil Action 1:08-cv-234 with this case and entered an order of deficiency because Fitten had not identified the statutory authority under which he was filing his habeas petition, paid the \$5.00 filing fee, or filed a complete *in forma pauperis* application [Court File No. 2, 5]. In addition, Fitten had failed to identify the proper Respondent. Fitten subsequently filed a Petition pursuant to § 2254 but failed to completely comply with the Court’s Order. Therefore, the Court entered a second order of deficiency dated September 30, 2008, specifically notifying Fitten, “for the second and last time,” that if he failed to fully comply with the Order within the time required, the Court would dismiss the case for failure to prosecute, without further notice by the Clerk of Court. [Court File No. 5, p.2].

Fitten has failed to pay the \$5.00 filing fee, submit an *in forma pauperis* application, or respond to the Court’s Order. Therefore, this action will be **DISMISSED *sua sponte***, for failure to comply with the Orders of this Court. Fed. R. Civ. P. 41(b); *Jourdan v. Jabe*, 951 F.2d 108 (6th Cir. 1991).

An appropriate judgment will enter

/s/
CURTIS L. COLLIER
CHIEF UNITED STATES DISTRICT JUDGE